1951

K

File No. Pri. Edu. Bom II/51 (N)

Legal Deptt

B **BRANCH**

Subject:— Notifications under the Bom. Prim. Education Act, 1947

P-5

B

File No. Pri Edu Bom II/51 (N)

2-70-B

Section 7 of the Bombay Primary Education Act, 1947 does not make it clear by whom an order disqualifying a member of the Board to continue as a member is to be issued. The function of the State Government under sub-section (2) of section 7 of the Act consists in deciding the question finally whether a vacancy has occured under the section and not in declaring such a vacancy. In this case the question involved was whether the disqualifying existed at the time of the election or was incurred subsequent to the election.

The R.L.A. in his opinion No. 8844, dated the 5th Jun 1951 has held that the members have incurred disqualifica tions after they took their seats i.e. during their term of office. It is therefore open to Government to embody that decision in the form of an order.

2. Under rule 9 of the Bombay Primary Education Rules, 1949, it is for the Chairman of the School Board to report the vacancy to the President of the District Local Board and the latter has been empowered to take steps to fill up the vacancy by election in accordance with the procedu described in schedule C to the said Rules. It will thus be seen that it is not the function of the State to issue a notification declaring a vacancy under section 7(2) of the Act.

Sd. J.R.Dhurandhar.
5/7

Remembrancer of Legal Affairs.

U.R. to E.D. No. 10699, dated the 5th July 1951.

VGP. 4-7-56.

The Education Department draft notification at page 19/C is not in order.

In reconstituting the Board under section 4 of the Act, it would be necessary first -

(1) to determine the total number of members of the Board; and the number of membrs to be appointed by the State Government, under sub-sections (1) and (2) thereof; and then

(2) to make appointments of members under sub-section (2) of s section 4 of the Act;

(3) to nominate members under sub-section (8) of section 4 of the Act as no election can be held under ksub-section (5) of section 4 on account of the non-existence of a district local board in the Satara South district and to specify their period.

Accordingly three revised draft notifications are sent herewith.

The necessary details may be filled in by the Education Department.

Sd. J.R.Dhurandhar.
24/12.

Remembrancer of Legal Affairs.

U.R. to E.D. No. 1075-Confl dated the 27th December 1951.

VGP. 4-7-56.

ORDER.

Education Department,
Bombay Castle, 195

Bombay Primary Education Act, 1947.

No. .- In exercise of the powers conferred by sub-sections (2), (3)and (4) of section 4 of the Bombay Primary Education Act, 1947, the Government of Bombay is pleased -

(1) to direct that the District School Board of Satara South District shall consist of fifteen members;

(2) to direct that the number of members to be appointed on the said Board by the State Government shall be *

* State the number

By order of the Governor of Bombay.

Secretary to Government.

VGP. 4-7-56.

ORDER.

Education Department,
Bombay Castle. December 1951.

Bombay Primary Education Act, 1947.

No In exercise of the powers conferred by sub-section (2) of section 4 of the Bombay Primary Education Act, 1947, the Government of Bombay is pleased to appoint the following members on the District School Board of Satara South District, namely:

Insert here the names of members to be appointed

By order of the Governor of Bombay.

Secretary to Government.

VGP. 4-7-56.

O R D E R.

Education Department,
Bombay Castle, 195

Bombay Primary Education Act, 1947.

No. Whereas the District School Board for the Satara South District has been constituted under Government Order in the Education Department No. dated the * 1951;

* to be inserted by E.D.

And whereas the Government of Bombay is satisfied that as the District Local Board for the Satara District has not been established, no election can be held at all under sub-section (5) of section 4 of the Bombay Primary Education Act, 1947.

Now, therefore, in exercise of the powers conferred by sub-sections (8) and (10) of section 4 of the said Act, the Government of Bombay is pleased to nominate the following members on the District School Board of Satara South District for a period of years commencing from the 1951, namely :-

Insert here the names of members to be nominated.

By order of the Governor of Bombay.

Secretary to Government

VGP. 4-7-56.